

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

MARY PHILLIPA SLEDGE, MARY
JANE PIDGEON SLEDGE TRUST, and
PIDGEON SLEDGE FAMILY LIMITED
PARTNERSHIP,

Plaintiffs,

v.

Case No. 2:13-cv-2578-STA-cgc

INDICO SYSTEM RESOURCES, INC. and
CLEAL WATTS, III,

Defendants.

**NOTICE OF DEFENDANT CLEAL WATTS, III'S
FAILURE TO APPEAR FOR DEPOSITION IN DALLAS, TEXAS**

COME NOW, Mary Phillipa Sledge, Mary Jane Pidgeon Sledge Trust, and Pidgeon Sledge Family Limited Partnership ("Plaintiffs") and give notice that Defendant failed to appear for his timely noticed deposition in Dallas, Texas on June 12, 2015.

On April 6, 2015, Plaintiffs both filed and sent a Notice of Deposition of Cleal Watts, III ("Watts") to Watts through his counsel, effectively giving Watts more than two months advanced notice of a pending deposition. (ECF. No. 48). Watts gave no indication during this period that he intended not to appear, either through counsel or directly. Accordingly, Plaintiffs, as well as their counsel, traveled to Dallas, Texas and appeared ready to take Defendant Watts' deposition. In fact, as the record reflects, Plaintiffs' counsel was in Dallas all week to take the depositions of other non-party witnesses. (ECF No.'s 49-51, 59, 60). Watts did not, at any time, file a motion to limit his deposition in any way. Watts similarly did not give Plaintiffs or Plaintiffs' counsel

notice that he did not intend to appear or seek an alternative date. Instead, Watts called the court-reporting service approximately forty (40) minutes prior to the designated start time and, without offering any explanation, notified the court reporter that he could not make the deposition. The court reporter's certificate of non-appearance, including the attached message communicated via the court reporter's answering service, is attached hereto as Exhibit A.

Respectfully Submitted,

/s/ Darrell N. Phillips
PIETRANGELO COOK PLC
Anthony C. Pietrangelo BPR # 15596
John J. Cook BPR # 17725
Darrell N. Phillips BPR #30299
6410 Poplar Avenue, Suite 190
Memphis, TN 38119
901.685.2662
901.685.6122 (fax)
jcook@pcplc.com
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 12th day of June 2015, a copy of the foregoing electronically filed document was served on the parties listed below via first class mail, postage prepaid, unless said party is a registered CM/ECF participant who has consented to electronic notice, and the Notice of Electronic Filing indicates that Notice was electronically mailed to said party.

Cleal Watts III and Indico Systems Resources, Inc.
8926 Forest Hills Blvd.
Dallas, Texas 75281-4001

/s/ Darrell N. Phillips

WattsCNA.txt

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1 UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF TENNESSEE
3 MARY PHILLIPA SLEDGE, et)
4 al.,)
5 Plaintiffs,) Civil Action No.
6 VS.) 13-2578-STA
7 CLEAL WATTS, III, et al.,)
8 Defendants.)

9 -----
10 CERTIFICATE OF NONAPPEARANCE
11 CLEAL WATTS, III
12 JUNE 11, 2015
13 -----

14 I, Julie A. Couvillion, a Certified Shorthand
15 Reporter in and for the State of Texas, certify:
16 That I appeared at the offices of Esquire
17 Deposition Solutions located at 1700 Pacific Avenue,
18 Suite 1000, Dallas, Texas on June 11, 2015, to report
19 the oral and videotaped deposition of CLEAL WATTS, III,
20 pursuant to Subpoena, scheduled for 9:00 a.m.
21 That by 9:15 a.m., CLEAL WATTS, III had not
22 appeared for his deposition. Present for the deposition
23 were:
24 Mr. Anthony C. Pietrangelo and Mr. Darrell N.
25 Phillips, appearing on behalf of the Plaintiffs, Ms.

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1 Phillipa Sledge and Mr. Cody Modro, Videographer.
2 I further certify that I am neither employed nor

WattsCNA.txt

3 related to any attorney or party in this matter and have
4 no interest, financial or otherwise, in its outcome.

5 Given under my hand and seal of office on this the
6 11th day of June, 2015.

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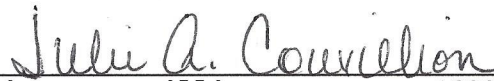
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Julie A. Couvillion, CSR, No. 1680
Firm Registration No.
Esquire Deposition Solutions
Firm Registration No. 286
1700 Pacific Avenue, Suite 1000
Dallas, Texas 75201
(214) 257-1436

Drianne Alfaro

From: TJ <info@vmmsg1.com>
Sent: Thursday, June 11, 2015 8:30 AM
To: Jennifer Adam; Lucy Kinney; Drianne Alfaro
Subject: (2215) 08:26AM

(1) IN (*FILED*): 2015-06-11 08:18AM Keish
OUT (*FILED*): 2015-06-11 08:26AM Misha LUCY

For: *CANCEL* /
From: DR. CLEAL WATTS /
Fon: 214 659 2197 /
Caller ID: (214) 659-2197 /
Co: - /

Would you like me to contact
someone or can this wait for WAIT /
the office to reopen:

Msg: RE: CANCEL THE DEPO SCHEDULED
FOR THIS MORNING 9A
I WONT BE ABLE TO MAKE IT

***** END OF MESSAGES *****

